

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, *ex rel.* CORI RIGSBY, *et al.*

PLAINTIFF

V.

CIVIL ACTION NO.1:06CV433 LTS-RHW

STATE FARM INSURANCE COMPANY, *et al.*

DEFENDANTS

ORDER CONTINUING TRIAL AND SETTING STATUS CONFERENCE

The United States of America has now consented to the dismissal of Forensic Analysis and Engineering Corporation (Forensic), requesting that the dismissal be done without prejudice to the rights of the United States. United States' Notice of Rejection of Proposed Settlement as to Defendant Forensic Analysis and Engineering Corp. and Motion To Dismiss Without Prejudice [799].

The United States prefers a dismissal without prejudice rather than the dismissal with prejudice called for by the settlement agreement between the Relators and Forensic. Curiously, the United States rejects the terms of the settlement agreement and suggests that rather than paying a settlement of \$25,000 to the Relators, Forensic pay nothing.

By taking this position, the United States has made it impossible for Forensic and the Relators to go forward under the terms of their settlement agreement, since the consent of the United States is required in order for this settlement to be approved. The position of the United States is made all the more curious in that the United States' stated reason for rejecting the proposed settlement accepted by the Relators is Forensic's insolvency and hence its inability to pay the agreed settlement of \$25,000.

In light of this action on the part of the United States and in light of the motions now pending, which, if granted might greatly expand the scope of this litigation, I have decided to continue the trial of this case from its present setting on December 1, 2010, and to set a status conference on that date to hear from all parties on the merits of the motions that remain undecided at that time. These motions are fully briefed, and I do not anticipate requiring any additional briefings at this time. After this conference, I will reschedule the trial to accommodate my rulings on the pending motions.

Accordingly, it is hereby

ORDERED

That the trial of this action is hereby **CONTINUED** from its present setting on December 1, 2010, and

That a **STATUS CONFERENCE IS SET** for December 1, 2010, in my courtroom at 1:00 p.m.

SO ORDERED this 26th day of October, 2010.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE